

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY BREWER,	:	CIVIL ACTION NO. 1:06-CV-0470
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MENNO HAVEN, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 16th day of August, 2006, upon consideration of the report of the magistrate judge (Doc. 13), to which no objections were filed, recommending that the motion to dismiss (Doc. 7) be granted in part and denied in part, and, following an independent review of the record, it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 13) is ADOPTED.
2. Defendant's motion to dismiss (Doc. 7) is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 7) is GRANTED with respect to Counts V (Intentional Infliction of Emotional Distress) and VI (Battery) of the complaint. These claims are DISMISSED.
 - b. The motion to dismiss (Doc. 7) is otherwise DENIED.
3. The above-captioned case is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge